IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

WRIT PETITION No.691/2007.

Grover Vineyards Limited.
Mumbai. ..Petitioner.

Vs.

Income-tax Officer, 1 (1) (4),
(Mumbai) and others.

..Respondent.

Mr J.D.Mistry with A. K. Jasani for the Petitioner.

Mr A.S. Rao for the Respondent.

CORAM:DR.S. RADHAKRISHNAN
AND V.C. DAGA,JJ.
DATED:2ND APRIL, 2007.

P.C.:-

1. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The learned counsel for the respondent states that the order dated 15.3.2007 passed on the stay application which is marked "Exh.P" stands withdrawn. The learned counsel for the respondent after withdrawing the aforesaid order states that pending the final disposal of the said stay application no coercive steps for recovery shall be made and for a further period of two weeks from the

date of communication of the adverse order, if any.

3. In view of the aforesaid statement, nothing further survives in the above petition. The learned counsel for the petitioner seeks leave to withdraw this petition. Hence the petition stands withdrawn and dismissed, as such.

4. The respondent is at liberty to hear the said stay application afresh in terms of the parameters laid down in the case of **KEC International Ltd. Vs. B.R.Balakrishnan and Others, reported in 2001 ITR 158.**

5. We make it clear that, in future, if in any matter, if we find that the Income-tax Authorities have failed to strictly comply with the parameters laid down in the above case, serious view of the matter will be taken and this Court will not hesitate to initiate contempt action against the concerned Officer.

(V.C. DAGA,J.) **(DR.S. RADHAKRISHNAN,J.)**